

CISNEROS DECLARATION
EXHIBIT J
REDACTED VERSION

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 SAN JOSE DIVISION
4

5 IN RE: HIGH-TECH EMPLOYEE)
6 ANTITRUST LITIGATION)
7) No. 11-CV-2509-LHK
8 THIS DOCUMENT RELATES TO:)
9 ALL ACTIONS.)
10 _____)
11

12 VIDEOTAPED DEPOSITION OF DARRIN BAJA
13 HIGHLY CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER
14 Friday, March 1, 2013
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24 Reported By:
25 KATHLEEN WILKINS, CSR #10068, RPR-RMR-CRR-CCRR-CLR

09:42:30 1 don't know.

09:42:30 2 Q. Was it more often than annually?

09:42:36 3 A. Yes.

09:42:36 4 Q. Was it more often than monthly?

09:42:38 5 A. No.

09:42:41 6 Q. Do you think it was roughly monthly that
09:42:44 7 you interacted with the compensation team?

09:42:46 8 A. Yes.

09:42:52 9 Q. And in what way did you interact with
09:42:54 10 the compensation team? Way or ways.

09:43:00 11 A. I would look to them for advice.

09:43:08 12 Q. Advice about what?

09:43:10 13 A. About -- about either a classification,
09:43:21 14 a salary range for particular candidates and where
09:43:30 15 they would fall, even if it was a geographical
09:43:34 16 location.

09:43:49 17 Q. When you say "where they would fall,"
09:43:51 18 what do you mean by that?

09:43:55 19 A. I would hire individuals in -- in
09:43:59 20 multiple locations, be it within the U.S. and
09:44:03 21 sometimes outside of the U.S. So I would look to
09:44:05 22 them for advice in regards to the types of job
09:44:10 23 classifications that they actually had per
09:44:12 24 location, because they were different.

09:44:15 25 Q. By that you mean the job classifications

09:44:18 1 were different in different locations --

09:44:21 2 A. Yes.

09:44:21 3 Q. -- of Apple?

09:44:23 4 A. Yes.

09:44:24 5 Q. [REDACTED]

09:44:26 6 [REDACTED]

09:44:28 7 A. [REDACTED]

09:44:36 8 Q. And when you say "where they would
09:44:37 9 fall," do you mean what salary they should
09:44:42 10 receive?

09:44:42 11 A. No. I meant what location, geographic
09:44:44 12 location, they would fall.

09:45:04 13 Q. So in establishing a salary for a new
09:45:09 14 hire at Apple --

09:45:11 15 A. Mh-hmm.

09:45:11 16 Q. -- was the salary paid to similar
09:45:23 17 employees at Apple a consideration?

09:45:30 18 MR. TUBACH: Vague and ambiguous.

09:45:30 19 THE WITNESS: Just -- yeah, could you
09:45:32 20 repeat, please? I didn't understand.

09:45:34 21 BY MR. DALLAL:

09:45:34 22 Q. Sure.

09:45:36 23 In setting salary for a new hire at
09:45:38 24 Apple, was one of the things that went into the
09:45:45 25 ultimate decision a consideration of what similar

09:45:48 1 employees already working at Apple were being
09:45:50 2 paid?

09:45:51 3 A. Yes.

09:46:01 4 Q. Have you ever heard the term "internal
09:46:03 5 equity"?

09:46:03 6 A. Yes.

09:46:04 7 Q. Was that a term that you used in your
09:46:09 8 interactions with the compensation team at Apple?

09:46:11 9 A. Yes.

09:46:12 10 Q. Was that a term that you used in
09:46:19 11 discussing compensation at Apple?

09:46:23 12 A. Yes.

09:46:24 13 Q. What do you take "internal equity" to
09:46:26 14 mean?

09:46:28 15 A. If you have a particular manager that
09:46:29 16 has a team below them, the group of folks that are
09:46:33 17 below them and what they're -- what they're --
09:46:37 18 what they are making is the internal equity.

09:47:09 19 Q. When you say "what they are making is
09:47:12 20 the internal equity," do you take internal equity
09:47:21 21 in some sense to shape or govern the relationship
09:47:27 22 between the salaries of those different people?

09:47:31 23 MR. TUBACH: Vague and ambiguous.

09:47:32 24 THE WITNESS: I don't know what that
09:47:32 25 means.

09:47:33 1 BY MR. DALLAL:

09:47:33 2 Q. Okay. Well, let me -- let me just ask a
09:47:42 3 more general question.

09:47:43 4 What do you mean by what they were
09:47:44 5 making in the internal equity?

09:47:45 6 A. Oh, the salary of each individual.

09:47:56 7 Q. So you're saying that the salary of each
09:47:58 8 individual is the internal equity?

09:48:00 9 A. Within a manager's team.

09:48:08 10 Q. How is the salary of each individual
09:48:10 11 within a manager's team the internal equity?

09:48:14 12 A. It's an understanding of what the
09:48:16 13 individuals are making. And if you want to hire
09:48:18 14 someone that -- that -- that is at a similar
09:48:22 15 level, we look at those salaries to understand
09:48:24 16 what the internal equity is. It's a comparison.

09:48:35 17 Q. So, for example, if you were hiring
09:48:37 18 somebody onto a team, and they were doing a job
09:48:44 19 function that was similar to what the other people
09:48:46 20 on the team were doing, you would look to what the
09:48:49 21 other people on the team were making for
09:48:53 22 comparative purposes in setting the salary of the
09:48:57 23 new hire?

09:48:59 24 A. That is one thing we would do, yes.

09:49:01 25 Q. What else would you do?

09:49:03 1 A. We would understand what the candidate
09:49:06 2 was making currently. We would -- we would talk
09:49:20 3 about what this individual could bring to the
09:49:23 4 company as a technical contributor.

09:49:33 5 Q. In such considerations, was there ever
09:49:37 6 an analysis of competing offers?

09:49:40 7 MR. TUBACH: Vague and ambiguous.

09:49:44 8 THE WITNESS: Yes.

09:49:44 9 BY MR. DALLAL:

09:50:05 10 Q. Did you ever make recommendations to the
09:50:07 11 compensation team?

09:50:12 12 A. No.

09:50:17 13 Q. Who was on the compensation team?

09:50:24 14 MR. TUBACH: At what point in time?

09:50:25 15 BY MR. DALLAL:

09:50:26 16 Q. During the period when you were a
09:50:27 17 recruiting manager, did the composition of the
09:50:29 18 compensation team change?

09:50:33 19 A. Steve Burmeister was the director of
09:50:35 20 comp.

09:50:36 21 Q. And he was the director throughout the
09:50:38 22 time you were recruiting manager?

09:50:39 23 A. Yes.

09:50:43 24 Q. Do you know the other members of the
09:50:44 25 compensation team?

1 I, Kathleen A. Wilkins, Certified
2 Shorthand Reporter licensed in the State of
3 California, License No. 10068, hereby certify that
4 the deponent was by me first duly sworn and the
5 foregoing testimony was reported by me and was
6 thereafter transcribed with computer-aided
7 transcription; that the foregoing is a full,
8 complete and true record of said proceedings.

9 I further certify that I am not of
10 counsel or attorney for either of any of the
11 parties in the foregoing proceeding and caption
12 named or in any way interested in the outcome of
13 the cause in said caption.

14 The dismantling, unsealing, or unbinding
15 of the original transcript will render the
16 reporter's Certificates null and void.

17 In witness whereof, I have hereunto set
18 my hand this day: March 11, 2013.

19 _____ Reading and Signing was requested.

20 _____ Reading and Signing was waived.

21 ____X____ Reading and Signing was not requested.

22 _____

23 KATHLEEN A. WILKINS

24 CSR 10068, RPR-RMR-CRR-CCRR-CLR

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